<u>Remarks</u>

In the office action, the Examiner has rejected claims 63-101 under the doctrine of obviousness-type double patenting over claims 1-58 of United States Patent number 6,701,378 (hereinafter "P1"). The Examiner has provisionally rejected claims 93-112 under the doctrine of obviousness-type double patenting over claims 51-62, 71-74, 76, 78 and 81 of United States application no. 09/928,983 (hereinafter "P6"). The Examiner has provisionally rejected claims 63-112 under the doctrine of obviousness-type double patenting over claims 1-4, 6-13, 15-22, 24-49 and 51-54 of United States application no. 10/671,162 (hereinafter "C4").

In addition, the Examiner has rejected claims 63-82, 89-90, 92-93, 96-98, 101-102, 106-109 and 112 under 35 U.S.C §102(b) as being anticipated by AirMobile. The Examiner has rejected claims 83-86, 99-100 and 103 under 35 U.S.C §103(a) as being unpatentable over AirMobile in view of United States Patent No. 6,061,781 (hereinafter "Nelson"). The Examiner has rejected claims 87-88, 95 and 110-111 under 35 U.S.C §103(a) as being unpatentable over AirMobile in view of United States Patent No. 6,185,551 (hereinafter "Birrell"). The Examiner has rejected claim 91 under 35 U.S.C §103(a) as being unpatentable over AirMobile in view of the LookSmart article. The Examiner has rejected claim 92 under 35 U.S.C §103(a) as being unpatentable over AirMobile in view of United States application no. 60/132,560 (hereinafter "Hertzog").

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The Examiner has rejected claims 104-105 under 35 U.S.C §103(a) as being unpatentable over AirMobile in view of the Infotech article.

The applicant has cancelled claim 112 and has presented new claims 113-121 of which claims 113, 120 and 121 are in independent form.

Double Patenting Rejections

The Examiner has rejected claims 63-101 under the doctrine of obviousness-type double patenting over claims 1-58 of P1. The Examiner has provisionally rejected claims 93-112 under the doctrine of obviousness-type double patenting over claims 51-62, 71-74, 76, 78 and 81 of P6. The Examiner has provisionally rejected claims 63-112 under the doctrine of obviousness-type double patenting over claims 1-4, 6-13, 15-22, 24-49 and 51-54 of C4. Upon allowance of the presently pending claims, the applicant will file terminal disclaimers to obviate all rejections and provisional rejections based upon obviousness-type double patenting.

Rejection under 35 U.S.C §102(b)

The Examiner has rejected claims 63-82, 89-90, 92-93, 96-98, 101-102, 106-109 and 112 under 35 U.S.C §102(b) as being anticipated by AirMobile. The applicant respectfully traverses this rejections.

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AirMobile is directed to an email forwarding scheme that
allows the user of a wireless device to receive emails over a
wireless network. In the relevant portions, after email messages
addressed to the user arrive at the users inbox associated with the
mail server, they are detected by the AirMobile software.
Specifically, the AirMobile software periodically polls the user's
inbox at the mail server at a predetermined scheduler cycle period
to determine if email messages have arrived. (Page 23, paragraph
1). Upon detecting the email messages, the AirMobile software
processes the email messages through filters which define the
criteria which must be satisfied before an email message is
forwarded to the wireless device. (Page 26, paragraph 5). Once an
email message passes the download filters, the email message is
downloaded directly to the mobile inbox of the registered wireless
device over the wireless network. (Page 26, paragraph 3). As
such, email messages are "pushed" out to the wireless device from
the server over the wireless network without the need for the user
to constantly call in to check for messages. This implementation
of "server push" eliminates unnecessary communication between the
client and server, minimizing communication costs and artificial
delivery delays. (Page 26, paragraph 1).

AirMobile does not teach many of the aspects of the invention
as presently claimed in independent claims 63, 93 and 102.
Specifically, amended claim 63 reads as follows:

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63. A method of redirecting data messages from a messaging host system to a wireless mobile communication device, comprising the steps of:

receiving a data message at the messaging host system, wherein the messaging host system stores the data message in a first message store associated with a user of the wireless mobile communication device;

detecting the data message at the messaging host system;

forwarding a copy of the data message from the messaging host system to a wireless redirector host system via a wide area network connection between the messaging host system and the wireless redirector host system;

storing the data message in a second message store associated with the user of the wireless mobile communication device at the wireless redirector host system;

determining whether the data message stored in the second message store should be redirected from the wireless redirector host system to the wireless mobile communication device; and

if the data message should be redirected, then packaging the data message into an electronic envelope and transmitting the electronic envelope from the wireless redirector host system to the wireless mobile communication device via a wireless gateway coupling the wireless redirector host system to a wireless transmission network.

AirMobile does not teach, suggest or disclose the step of "forwarding a copy of the data message from the messaging host system to a wireless redirector host system via a wide area network connection between the messaging host system and the wireless redirector host system." Instead, AirMobile teaches that once an email message is detected at the mail server and passes the download filters, the email message is downloaded directly to the mobile inbox of the registered wireless device over a wireless network.

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AirMobile does not teach, suggest or disclose the step of "storing the data message in a second message store associated with the user of the wireless mobile communication device at the wireless redirector host system" as AirMobile does not utilize a wireless redirector host system in addition to the mail server that stores the data message.

Similarly, AirMobile does not teach, suggest or disclose the step of "determining whether the data message stored in the second message store should be redirected from the wireless redirector host system to the wireless mobile communication device." Instead, AirMobile teaches that the email messages stored in the inbox at the mail server are filters to determine which email messages are to be forwarded directly to the wireless device.

As such, AirMobile fails to disclose at least three of the claim elements of claim 63. Claims 93 and 102 have similar claim limitations. Accordingly, applicant believes that independent claims 63, 93 and 102 are allowable over AirMobile. All other claims that have been rejected under 35 U.S.C. §102(b) as being anticipated by AirMobile have been canceled or depend from independent claims 63, 93 and 102. Accordingly, applicant requests withdrawal of the rejections under 35 U.S.C. §102(b).

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Rejection under 35 U.S.C §103(a)

The Examiner has rejected claims 83-86, 99-100 and 103 under 35 U.S.C §103(a) as being unpatentable over AirMobile in view of Nelson. Claims 63, 93 and 102 are allowable for the reasons stated above. Nelson does not cure the deficiencies of AirMobile. Each of claims 83-86, 99-100 and 103 is dependent upon an allowable base claim. Accordingly, applicant requests withdrawal of the rejections of claims 83-86, 99-100 and 103 under 35 U.S.C. §103(a).

The Examiner has rejected claims 87-88, 95 and 110-111 under 35 U.S.C §103(a) as being unpatentable over AirMobile in view of Birrell. Claims 63, 93 and 102 are allowable for the reasons stated above. Birrell does not cure the deficiencies of AirMobile. Each of claims 87-88, 95 and 110-111 is dependent upon an allowable base claim. Accordingly, applicant requests withdrawal of the rejections of claims 87-88, 95 and 110-111 under 35 U.S.C. §103(a).

The Examiner has rejected claim 91 under 35 U.S.C §103(a) as being unpatentable over AirMobile in view of the LookSmart article. Claim 63 is allowable for the reasons stated above. LookSmart does not cure the deficiencies of AirMobile. Claim 91 is dependent upon allowable base claim 63. Accordingly, applicant requests withdrawal of the rejection of claim 91 under 35 U.S.C. §103(a).

The Examiner has rejected claim 92 under 35 U.S.C §103(a) as being unpatentable over AirMobile in view of Hertzog. Claim 63 is allowable for the reasons stated above. Hertzog does not cure the

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deficiencies of AirMobile. Claim 92 is dependent upon allowable base claim 63. Accordingly, applicant requests withdrawal of the rejection of claim 92 under 35 U.S.C. §103(a).

The Examiner has rejected claims 104-105 under 35 U.S.C §103(a) as being unpatentable over AirMobile in view of the Infotech article. Claim 102 is allowable for the reasons stated above. Infotech does not cure the deficiencies of AirMobile. Claims 104-105 are dependent upon allowable base claim 102. Accordingly, applicant requests withdrawal of the rejections of claims 104-105 under 35 U.S.C. §103(a).

<u>New claims</u>

The applicant has presented new claims 113-121. Claim 113 reads as follows:

> 113. (New)   A method of pushing data messages to a wireless mobile communication device, the data messages originating from message senders and addressed to a mailbox of the user of the wireless mobile communication device at a messaging host system wherein the data messages are stored in a first message store, the method comprising the steps of:
> receiving data messages forwarded from the messaging host system to an address associated with the user of the wireless mobile communication device at a wireless redirector host system via a wide area network connection;
> storing the forwarded data messages in a second message store associated with the user of the wireless mobile communication device at the wireless redirector host system;
> determining at the wireless redirector host system which of the forwarded data messages should be redirected to the wireless mobile communication device; and

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redirecting at least some of the forwarded data messages from the wireless redirector host system to the wireless mobile communication device using an address of the wireless mobile communication device via a wireless transmission network.

Independent claim 113 as well as independent claims 120 and 121 include subject matter similar to allowable claim 63. In addition, claims 113, 120 and 121 further recite that:

(1) the original data messages are addressed to a mailbox of the user of the wireless mobile communication device at the messaging host system;

(2) the forwarded data messages are addressed to the user of the wireless mobile communication device at a wireless redirector host system; and

(3) the redirected data messages are addressed to the wireless mobile communication device.

Neither AirMobile nor any of the secondary references teach, suggest or disclose a system, method or computer-accessible medium for pushing emails wherein three addresses are used. For at least this reason, the applicant believes that the newly presented claims are patentably distinguishable over the cited art.

Fee Statement

Compared to the initial filing, the number of independent claims has increased by 2 and the total number of claims has increased by 8. Applicant is filling herewith, a Petition for a

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Three-Month Extension of Time. Form PTO-2038 is enclosed herewith authorizing payment of $1,820.00 ($1,020.00 for a three-month extension of time and $800.00 for the extra claims). Applicant believes no additional fees are due for the filing of this response. If any additional fees are due or any overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

Conclusion

In view of the forgoing, the Examiner is respectfully requested to allow the claims presented for consideration herein. Accordingly, a favorable action in the form of an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 4nd day of April, 2006.

Respectfully submitted:

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